

CPS-375

September 22, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. **05-3574**

UNITED STATES OF AMERICA

v.

ANTHONY MAYO

(M.D. PA. CRIM. NO. 00-CR-00336-2)

Present: ALITO, MCKEE and AMBRO, Circuit Judges

Submitted is appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1);

in the above-captioned case.

Respectfully,

Clerk

MMW/DMP/nf/crg

ORDER

The foregoing request for a certificate of appealability is denied, as jurists of reason could not debate whether the District Court properly denied Appellant's 28 U.S.C. § 2255 motion as untimely filed. See 28 U.S.C. § 2253 (c) (2); Slack v. McDaniel, 529 U.S. 473, 484 (2000). Appellant has not established any basis for equitable tolling of the applicable one-year limitations period. See Miller v. N.J. State Dep't of Corr., 145 F.3d 616, 618 (3d Cir. 1998).

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: October 17, 2005

CRG/cc: Mr. Anthony Mayo

Christy H. Fawcett, Esq.



Marcia M. Waldron

Marcia M. Waldron, Clerk